

1 REMARKS

2 Status of the Claims

3 Claims 1-36 and 39-44 are pending in the present application, Claims 37-38 and 45-46 having
4 been canceled in the present amendment as being directed to a non-elected invention. Claims 39, 40,
5 and 42-44 have been amended to achieve consistency between the apparatus claims (i.e., Claims 1-
6 36) and the process claims (i.e., Claims 39-44), to enable such claims to be examined together.
7 Claims 22, 25, 28, 33, and 43 have been amended to correct grammatical errors.

8 Election in Response to Restriction

9 The Examiner has indicated that this application contains claims directed to five groups of
10 patentably distinct inventions. The Examiner indicates that a first invention (Invention I) is defined
11 by Claims 1-36 and is directed to an apparatus for use in metal forming, classified in Class 72,
12 subclass 389.8; a second invention (Invention II) is defined by Claim 37, and is directed to a press
13 brake for use in sheet metal forming, classified in Class 72, subclass 481.9; a third invention
14 (Invention III) is defined by Claim 38, and is directed to a bending die for use in sheet metal forming,
15 classified in Class 72, subclass 462; a fourth invention (Invention IV) is defined by Claims 39-44,
16 and is directed to a method for forming a work piece, classified in Class 72, subclass 313; and a fifth
17 invention (Invention V) is defined by Claims 45-46 and is directed to a method for forming a channel
18 in sheet metal using a press brake, classified in Class 72, subclass 315.

19 Applicant hereby affirmatively elects the claims of Invention I (i.e., Claims 1-36), with
20 traverse.

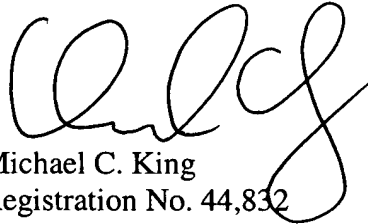
21 Traverse and Amendment of Claims 39, 40, and 42-44

22 Applicant traverses the restriction noting that the claims of Inventions I and IV are
23 sufficiently related that they should be examined together. Invention IV corresponds to Invention I,
24 by reciting a method for forming a work piece (such as sheet metal) while maintaining a
25 substantially fixed separation between adjacent edges of the first and second working surfaces, which
26 is an element common to Inventions I and IV.

27 The Examiner asserts that these inventions are distinct because "The apparatus can be made
28 by a materially different process, such as that not utilizing one or more work pieces." It appears that
29 the Examiner is focusing on the fact that Claims 1-36 are specifically directed to an apparatus for
30 forming a work piece, where the work piece is sheet metal. Applicants have amended Claims 39, 40,

1 and 42-44 to recite sheet metal in place of the more general term work piece. Thus, as amended,
2 Claims 39-44 are directed to a process for forming sheet metal using the apparatus defined in
3 Claims 1-36. As such, Claims 1-36 and 39-44 should be examined together. In consideration of this
4 amendment, the Examiner is requested to modify the restriction requirement to include Claims 39,
5 40, and 42-44 as part of the claims directed to Invention I, which applicant has elected.

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7 Respectfully submitted,

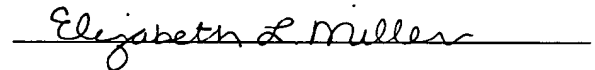
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11 Registration No. 44,832

12 MCK/RMA:elm

13 MAILING CERTIFICATE

14 I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed
15 envelope as first class mail with postage thereon fully prepaid addressed to: Commissioner for Patents,
16 Alexandria, VA 22313-1450, on October 28, 2005.

17 Date: October 28, 2005

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